

### REMARKS

Reconsideration of this application is respectfully requested. In the Office Action, the specification was objected to because the abstract of the disclosure used the term "disclosed." Claims 1-24 were rejected under 35 U.S.C. 102(b) as being anticipated by Donaghue, Jr. et al. (U.S. Patent No. 5,467,391, hereinafter, Donaghue).

#### **Specification**

The Office Action objected to the abstract of the disclosure because it uses the term "disclosed." The language that was objected to has been corrected as per Office Action requirements.

#### **35 USC § 102 Rejection**

The Office Action rejected claims 1-24 as being anticipated by Donaghue. To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Donague discloses a system and method for sharing a pool of agents in a telephone call servicing operation. More specifically, Donaghue discloses the reallocation of agents servicing inbound calls by allowing agents to make outbound

calls when utilization of agents servicing inbound calls is low (col. 4, ln. 43-46). The reallocated agent or blend agent is used to service a plurality of outbound calls.

Regarding claims 1 and 9, the system described in Donaghue discloses that a blend agent is allocated to make outbound calls but does not, however, specifically disclose the making of a plurality of outbound calls to a plurality of called parties from a single device. Also, Donaghue does not disclose detecting each called party that answers the call. In fact Donaghue is primarily concerned with analyzing whether there is sufficient agent capacity to handle inbound calls and making a blend agent available to service an outbound call when there is excess agent capacity for inbound calls. Donaghue does not teach the detecting of each called party that answers the call but instead teaches the monitoring of the agents and not the called parties (col. 8, ln. 44-45). Therefore, claims 1 and 9 are distinguished over Donaghue.

Regarding claims 2-6 and 10-13, Donaghue discloses an agent wrap up time which may include completion of information for a customer order, a billing request, arrangements for payment of a bill, or the like (col. 8, ln. 37-42) after a call but fails to disclose making a plurality of outbound calls to a plurality of called parties from a single device, detecting each called party that answers the call, and the individual treatment of at least one called party based on information associated with the called party. Therefore, claims 2-6 and 10-13 are distinguished over Donaghue.

Regarding claims 7 and 15, Donaghue does not disclose executing a computer program based on information associated with the called party. Donaghue instead discloses the use of call statistics such as abandonment rate, average speed of answer, or

the fact that a directory number identifies the type of service required by an inbound call (col. 7, ln. 66- col. 8, ln. 25). Clearly, Donaghue does not disclose executing a computer program based on information associated with the called party. Therefore, claims 7 and 15 are distinguished over Donaghue.

Regarding claims 8 and 16, Donaghue does not disclose sending a message to the called party based on the information associated with the called party. Donaghue instead discloses the use of directory numbers that are allocated for different uses such as billing inquiries or customer service. The automatic call distributor utilizes the directory number called by the customer to select an agent from the appropriate agent pool (col. 5, ln. 16-22). Therefore, claims 8 and 16 are distinguished over Donaghue.

Regarding claim 17, the system described in Donaghue discloses that a blend agent is allocated to make outbound calls (col. 5, ln. 54- col. , 6 ln. 10). Donaghue also discloses an analyzer that is used to monitor inbound calls and outbound calls and compile a set of statistics related to both inbound and outbound calls (col. 7, ln. 6-8). The set of statistics is used to determine the level of service quality for both inbound and outbound call servicing, as well as performance and utilization of agents (col. 7, ln. 8-11). However Donaghue does not specifically disclose a computer readable medium having instructions which when executed by a processing system cause the system to make a plurality of outbound calls to a plurality of called parties from a single device. Also, Donaghue does not disclose detecting each called party that answers the call. In fact Donaghue is primarily concerned with analyzing whether there is sufficient agent capacity to handle inbound calls and making a blend agent available to service an

outbound call when there is excess agent capacity for inbound calls (col. 7, ln. 12-16).

Donaghue does not teach the detecting of each called party that answers the call but instead teaches the monitoring of the agents and not the called parties (col. 8, ln. 44-45).

Therefore, claim 17 is distinguished over Donaghue.

Regarding claims 18-22, Donaghue discloses an agent wrap up time which may include completion of information for a customer order, a billing request, arrangements for payment of a bill, or the like (col. 8, ln. 37-42) after a call but fails to disclose making a plurality of outbound calls to a plurality of called parties from a single device, detecting each called party that answers the call, and the individual treatment of at least one called party based on information associated with the called party. Therefore, claims 18-22 are distinguished over Donaghue.

Regarding claim 23, Donaghue does not disclose executing a computer program based on information associated with the called party. Donaghue instead discloses the use of call statistics such as abandonment rate, average speed of answer, or the fact that a directory number identifies the type of service required by an inbound call (col. 7, ln. 66- col. 8, ln. 25). Clearly, Donaghue does not disclose executing a computer program based on information associated with the called party. Therefore, claim 23 is distinguished over Donaghue.

Regarding claim 24, Donaghue does not disclose sending a message to the called party based on the information associated with the called party. Donaghue instead discloses the use of directory numbers that are allocated for different uses such as billing inquiries or customer service. The automatic call distributor utilizes the


directory number called by the customer to select an agent from the appropriate agent pool (col. 5, ln. 16-22). Therefore, claim 24 is distinguished over Donaghue. Since it has been proven that the claims are distinguished over the prior art and in condition for allowance, Applicants respectfully request allowance of the claims.

If there are any additional charges, please charge Deposit Account No. 02-2666.  
If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact André Marais at (408) 947-8200.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 04 / 24 / 2002

  
\_\_\_\_\_  
André L. Marais  
Reg. No. 48,095

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 947-8200